

ORIGINAL

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

APR 22 2004

at _____ o'clock and _____ min. M.
WALTER A.Y.H. CHINN, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR NO. 04-00089-01 DAE
)	
Plaintiff,)	REPORT AND RECOMMENDATION
vs.)	CONCERNING PLEA OF GUILTY
)	
ROCKY DEMELLO, (01))	
)	
Defendant.)	
_____)	

REPORT AND RECOMMENDATION
CONCERNING PLEA OF GUILTY

The defendant, by consent, has appeared before me pursuant to Rule 11, Fed.R.Crim.P., and has entered a plea of guilty to Count 1 of the Indictment. After examining the defendant under oath, I determined that the defendant is fully competent and capable of entering an informed plea, that the guilty plea was intelligently, knowingly and voluntarily made, and that the offense(s) charged is supported by an independent basis in fact establishing each of the essential elements of such offense(s). I further determined that the defendant intelligently, knowingly and voluntarily waived the right to appeal or collaterally attack the sentence except as provided in the plea

GUILTY R&R-PA

H/b

agreement. I therefore recommend that the plea of guilty be accepted and that the defendant be adjudged guilty and have sentence imposed accordingly.

IT IS SO RECOMMENDED.

DATED: Honolulu, Hawaii, APR 22 2004.


UNITED STATES MAGISTRATE JUDGE

NOTICE

Failure to file written objections to this Report and Recommendation within ten (10) days from the date of its service shall bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).

CRIMINAL NO. 04-00089-01 DAE ; USA vs. ROCKY DEMELLO (01); REPORT AND RECOMMENDATION CONCERNING PLEA OF GUILTY